

# EXHIBIT 9

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 -----X  
4 In re McCray, Richardson, Santana, Wise and Salaam  
5 Litigation,

6 Case No.: 03 Civ. 9685 (DAB) (RLE)  
7 -----X

8 DATE: June 12, 2013

9 TIME: 10:20 a.m.  
10  
11

12 CONTINUED DEPOSITION of a Non-Party Witness,  
13 MICHAEL P. JOSEPH, taken by the Respective Parties,  
14 pursuant to Subpoena and to the Federal Rules of Civil  
15 Procedure, held at the offices of the New York City Law  
16 Department, 100 Church Street, New York, New York 10007,  
17 before a Notary Public of the State of New York.  
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19  
20  
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M. JOSEPH

1 But I feel safe in saying that I would have thought that.

2 Q. Did you ever request that the district attorney  
3 revisit their response or supplement their response in any  
4 way?

5 A. I have no recollection.

6 Q. Did you ever ask the court to compel production  
7 from the district attorney?

8 A. To what?

9 Q. Compel production?

10 A. I don't know if I made an official motion. I  
11 know that discovery did not end with these documents, that  
12 there was ongoing discovery up until just the beginning of  
13 the trial as I recall, which included DNA -- I have some  
14 recollection that Judge Galligan, and I don't know why this  
15 sticks in my head, but I have some recollection that he was  
16 not happy with the People that had in a short period of  
17 time before the trial, they found -- they say they found  
18 more stains. I don't know if it was blood or what it was,  
19 that they wanted to do a DNA test.

20 And I have some recollection of Judge Galligan  
21 not being happy with the People. And there were  
22 discussions with regard to discovery issues on the record  
23 I'm sure with regard to various things.

24 Q. Could you take a look at the next paragraph  
25 that's marked F, the response.

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